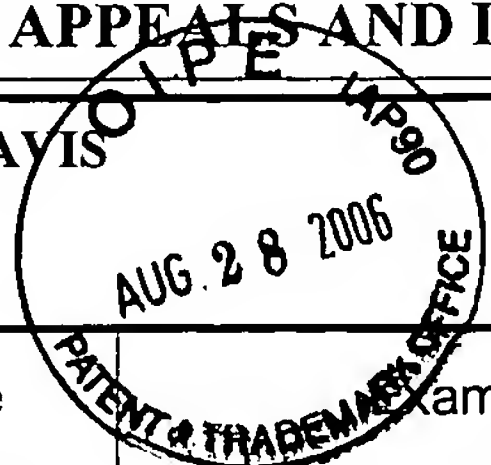


**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity)**

Docket No.
066077-0028

In Re Application Of: J. Mark DAVIS



Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/767,338	January 30, 2004	DONNELLY, JEROME W	25269	3764	5224

Invention: EXERCISE DEVICE

COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated 06/05/2006 finally rejecting Claim(s) 1

Applicant is a small entity under 37 CFR 1.9 and 1.27.

☐

☒ Applicant claims small entity status. See 37 CFR 1.27

☐

The fee for this Notice of Appeal is: \$250.00

☐ A check in the amount of the fee is enclosed.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account. 04-2223

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 04-2223.

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

Dated: August 28, 2006

Adesh Bhargava, Reg. No. 46,553

08/29/2006 JADD01 0909042 042223 10767338
01 FC:2401 250.00 DA

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC: